

LAW OFFICES OF
SANTUCCI & ASSOCIATES

New York

Fax: (212) 943-2300
Tel: (212) 709-8357

raslaw2000@aol.com

Long Island
P.O. Box 416
Westhampton, NY 11977
Fax: (631) 325-7787
Tel: (631) 325-7747

Please respond to our Long Island address.

October 15, 2013

Honorable Denis R. Hurley
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Pollner v. United Healthcare Insurance Company
USDC EDNY Index number: CV 13-1881 (DRH) (GRB)

Honorable Denis R. Hurley:

Please be advised that we represent the Plaintiff in this matter and this correspondence is in response to Defendant's correspondence to the Court of September 25, 2013.

My most humble apologies for not submitting a letter directly to you as I was under the impression that Magistrate Judge Gary R. Brown had decided the discovery issues, pre-motion conference and motion as being premature in his October 1, 2013 Scheduling Order inasmuch as we were in the early stages of discovery.

Plaintiff, Dr. Mark Pollner has been an anesthesiologist for the past thirty five years and commenced this action in New York State Supreme Court in an attempt to be compensated for anesthesia medical services provided to patients insured by Unitedhealthcare and to be compensated for tortuous interference with his contractual relationship with the primary surgeons by the Defendant. Plaintiff has not been compensated at all for approximately 100 claims.

It is the Plaintiff's position that the Defendant's request for a pre-motion conference is premature and an attempt to circumvent the procedure set forth by Magistrate Judge Gary R. Brown and said motion is likely not to prevail.

Magistrate Judge Brown scheduled a Settlement Conference for July 31, 2013 and Ordered that the Plaintiff and a representative of the Defendant appear at said conference.

The Plaintiff, a medical doctor, rearranged his surgery schedule and appeared in Court for the conference as Ordered by Magistrate Judge Gary R. Brown.

The Defendant, a medical insurance carrier with thousands upon thousands of employees

failed to send a representative to the conference as Ordered by Magistrate Judge Gary R. Brown and the conference was fruitless and adjourned and has not of this date been concluded.

The Defendant sought another adjournment of the settlement conference Ordered by Magistrate Judge Gary R. Brown and it is now scheduled for October 18, 2013.

Further, Magistrate Judge Gary R. Brown Ordered that the Defendant produce to the Plaintiff the contracts of insurance at issue in this matter and the Defendant has failed to do so as of this date.

Fact discovery is scheduled to conclude on January 14, 2014 and we are at the early stages of discovery.

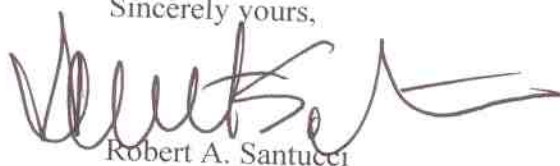
As indicated in Defendant's correspondence, Unitedhealthcare has made the payment to out of network medical providers' impossibility with a myriad of requirements that are impossible to satisfy. A fact on point is that Unitedhealthcare makes an issue of assignment of benefits by the patient and then states that even if the patient does assign benefits to the medical provider the patient is prohibited from doing so by the terms of the contracts of insurance.

Dr. Pollner, as a result of economic necessity abandoned his desire not to be a participating medical provider and became a participating provider with Unitedhealthcare and at issue in this matter are claims that were submitted during his application process for such which was delayed by the Defendant Unitedhealthcare.

We respectfully request that any pre-motion conference and or motions be addressed after the conclusion of the discovery process.

Thank you for your kind consideration in the matter and if you have any questions please contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'R. Santucci', with a long horizontal flourish extending to the right.

Robert A. Santucci

cc: Michael H. Bernstein, Esq.
Sedgwick, LLP
225 Liberty Street, 28th Floor
New York, New York 10281-1008